

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**ROBERT HOLTON,**  
                    **Plaintiff,**

**v.**

**BOBBY HENON, et al.**  
                    **Defendants.**

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**CIVIL ACTION**

**NO. 18-2228**

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**DEFENDANTS' ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT**

Defendants, Bobby Henon, Darin L. Gatti, Edward Jefferson and the City of Philadelphia (collectively as "Defendants"), by and through the undersigned counsel, hereby file this Answer with Affirmative Defenses and aver as follows:

**I.  
JURISDICTION AND VENUE**

1. The allegations contained in this paragraph constitute conclusions of law and therefore require no response.

2. The allegations contained in this paragraph constitute conclusions of law and therefore require no response.

**II.  
PARTIES**

3. Admitted in part, denied in part. Admitted that Plaintiff Robert Holton ("Holton") owned a piece of real estate in the City and County of Philadelphia, Commonwealth of Pennsylvania, where he operated a scrap metal and automobile salvage business. Denied that Plaintiff ever owned the piece of real estate at issue in this matter.

4. Admitted.

5. Admitted.

6. Admitted in part, denied in part. Admitted that at all relevant times, Edward Jefferson was a Senior Attorney in the Housing and Code Enforcement Unit of the Office of the City Solicitor, City of Philadelphia Law Department.

7. Admitted.

**COUNT ONE**

**PLAINTIFF vs. DEFENDANTS BOBBY HENON, EDWARD ABRAHAM, DARRIN L. GATTI, CIVIL CONSPIRACY TO DEPRIVE PLAINTIFF OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES OF AMERICA**

8. Denied.

9. Denied. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response.

10. Denied. The press release is a document which speaks for itself.

11. Denied. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

12. Denied. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

13. Denied.

14. Denied.

15. Denied. The press release is a document which speaks for itself.

16. Denied. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a

response is required, denied. It is specifically denied that Plaintiff ever owned the piece of real estate at issue.

17. Denied.

18. Denied. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

19. Denied. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

**WHEREFORE**, Defendants deny they are liable to the plaintiff and demand judgment in their favor, together with reasonable attorney's fees and the costs of defending against Count I.

## **COUNT TWO**

### **PLAINTIFF vs. CITY OF PHILADELPHIA** **VIOLATION OF FIFTH AMENDMENT,** **CONSTITUTION OF THE UNITED STATES**

20. No response is required to Paragraph 20.

21. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response.

22. Denied. It is specifically denied that Plaintiff was never the owner of the piece of real estate at issue.

23. Denied. It is specifically denied that Plaintiff was never the owner of the piece of real estate at issue.

24. Denied. Case No. 170902750 is a judgment action to which Plaintiff is not a party. By way of further response, Plaintiff did not prevail as to all alleged violations appealed in Case No. 170902758. *See* Order dated August 20, 2018 denying appeal.

25. Denied. It is specifically denied that Plaintiff was never the owner of the piece of real estate at issue.

26. Denied. It is specifically denied that Plaintiff was never the owner of the piece of real estate at issue.

**WHEREFORE**, Defendants deny they are liable to the plaintiff and demand judgment in their favor, together with reasonable attorney's fees and the costs of defending against Count II.

### **JURY DEMAND**

All Defendants demand a jury trial in this action.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

To the extent Plaintiff is bringing state law claims, Defendants assert all of the defenses, immunities, and limitations of damages available to them under the "Political Subdivision Tort Claims Act," 42 Pa. Cons. Stat. § 8541 *et seq.*, and aver that Plaintiff's state law remedies are limited exclusively thereto.

#### **THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrine of qualified immunity.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the statute of limitations.

WHEREFORE, Defendants deny they are liable to the plaintiff and demand judgment in their favor, together with reasonable attorney's fees and the costs of defending against this action.

Date: December 1, 2020

Respectfully submitted,

/s/ Meghan E. Claiborne

Meghan E. Claiborne

Assistant City Solicitor

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|----------------------------|---|---------------------|
| <b>ROBERT HOLTON,</b>      | : | <b>CIVIL ACTION</b> |
| <b>Plaintiff,</b>          | : |                     |
|                            | : |                     |
| <b>v.</b>                  | : | <b>NO. 18-2228</b>  |
|                            | : |                     |
| <b>BOBBY HENON, et al.</b> | : |                     |
| <b>Defendants.</b>         | : |                     |
|                            | : |                     |

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, the Defendants' Answer with Affirmative Defenses was filed via the Court's electronic filing system and is available for downloading.

Date: December 1, 2020

Respectfully submitted,

/s/ Meghan E. Claiborne  
Meghan E. Claiborne